

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**IMPULSE MONITORING, INC.,**

Plaintiff,

v.

**CIVIL ACTION NO. 3:14-CV-51  
(JUDGE GROH)**

**HUMANA HEALTH PLAN, INC.,**

Defendant.

**ORDER GRANTING DEFENDANT’S MOTION TO WITHDRAW ITS  
MOTION TO DISMISS**

The above-styled matter came before the Court for consideration of Defendant Humana Health Plan, Inc.’s “Motion to Withdraw its Motion to Dismiss” [Doc. 17] filed on June 27, 2014. Defendant requests that it be permitted to withdraw its motion to dismiss and granted leave to refile it at a later date, if necessary. In support of Defendant’s request, Defendant states that “[d]ue to the present stay of this matter and in order to facilitate negotiation of a global settlement of the disputes between the parties” it seeks to withdraw its motion to dismiss. Plaintiff does not object to Defendant’s motion.


Upon review of Defendant’s motion, the Court finds good cause to grant it. Defendant filed its motion to dismiss very early in this case—prior to entry of a First Order and Notice Regarding Discovery and Scheduling and Scheduling Order. Therefore, the Court finds that it is in the interests of judicial economy to permit Defendant to withdraw its motion to dismiss because it would not interfere with any of the Court’s deadlines in this

case. Additionally, in the event settlement of this matter is unsuccessful, the Court will enter a Scheduling Order that orders the deadline for dispositive motions to be filed. Accordingly, the Court **GRANTS** Defendant's Motion to Withdraw its Motion to Dismiss [Doc. 17], and Defendant will be permitted to refile its motion to dismiss, if necessary, upon this Court lifting the stay and entering a Scheduling Order in this matter.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

**DATED:** June 30, 2014



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GINA M. GROH  
UNITED STATES DISTRICT JUDGE